

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RICHARD JAMES JOHNSON, #1005689 §
VS. § CIVIL ACTION NO. 6:12cv281
RICHARD ROE, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation (R&R) that Plaintiff's civil rights action pursuant to 42 U.S.C. § 1983 be dismissed with prejudice pursuant to the three strikes provisions of 28 U.S.C. § 1915(g). Plaintiff has filed objections.

Having made a *de novo* review in light of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Plaintiff complains variously that some of his prior cases dismissed as frivolous or malicious as cited in the R&R were either misidentified or were those of "another offender." Objections at 1-2. The Court has reviewed the cases and has found that they are civil rights cases that Plaintiff brought at one time or another. Each was dismissed as frivolous, malicious, for failure to state a claim or simply dismissed pursuant to 28 U.S.C. § 1915(g). It is abundantly clear that Plaintiff has "has a long and extensive history of filing frivolous claims in federal court," as the Magistrate Judge found. R&R at 1. It is equally clear that Plaintiff made blatant misrepresentations on the face of his complaint that he had never filed any other lawsuits relating to imprisonment. *Id.* at 2. His objections are equally frivolous and will be overruled. It is therefore

ORDERED that Plaintiff's Objections are hereby **OVERRULED**. It is further

ORDERED that the Plaintiff's civil rights action pursuant to 42 U.S.C. § 1983 is
DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that all motions not already ruled upon are hereby **DENIED**.

SIGNED this 17th day of May, 2012.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE